

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

In re:		CASE NO: 09-53236
)	Chapter 13
Thomas Michael Studer)	
)	
Debtor(s).)	Judge Marilyn Shea-Stonum
)	
		<u>STIPULATIONS OF FACT</u>

Now come Keith Rucinski, chapter 13 trustee, by and through counsel, and the debtor, Thomas Michael Studer, by and through counsel, who stipulate to the following facts, viz.,

1. This case was commenced as a case under chapter 13, title 11 U.S.C. on July 23, 2009. Docket No. 1 and 2. This case was not previously converted under any other chapter of the Bankruptcy Code.
2. The plan originally proposed a percentage dividend to be paid to general unsecured creditors of one percent (1%) of these creditors' allowed and filed claims.
3. The debtor's schedules I and J, copies of which are attached as Exhibits "A" and "B," respectively, fully and accurately list the debtor's income and expenses. Based on these figures, the debtor has a projected annual income of \$114,288.00.
4. As listed on the debtor's schedule A, the debtor owns a one-half (1/2) fee interest in this residential real estate located at 4679 Paxton Road, Copley, Ohio. The co-owner holding the other one-half (1/2) fee interest is Michelle Cosgrove. As of the commencement of the case, Michelle Cosgrove was the debtor's fiancée but since that time the debtor and Ms. Cosgrove have ended their engagement. This real estate was purchased jointly by the debtor and Ms. Cosgrove on June 5, 2006.
5. As further listed on the debtor's schedule A, the debtor listed the value of his real estate at \$682,950.00. This valuation was based on the appraisal of the Summit County, Ohio Fiscal Officer, auditor's division. A copy of this appraisal was attached as an exhibit to the debtor's schedule A. In the most recent Summit County appraisal of the debtor's real estate, the valuation was reduced to \$594,750.00 as shown on the attached Exhibit "C."

6. The above-referenced real estate is subject to a purchase-money mortgage owed by the debtor and Ms. Cosgrove, jointly and severally, to Countrywide, upon which the debtor owes and approximate principal balance of \$546,753.00. This real estate further is subject to a second mortgage owed by the debtor and Ms. Cosgrove, jointly and severally, to Saxon Mortgage upon which the debtor owes an approximate principal balance of \$134,613.00. *See*, proof of claim 4-1. This real estate further is subject to a mechanic's lien owed by the debtor and Ms. Cosgrove, jointly and severally, to MGM Landscaping Contractor, Inc. upon which the debtor owes and approximate principal balance of \$27,746.90. *See*, attached Exhibit "D." An order granting MGM Landscaping Contractor, Inc. relief from the co-debtor stay of 11 U.S.C. Sec. 1301 with respect to Ms. Cosgrove was entered on September 2, 2009.

7. The total amount of mortgages and liens encumbering the debtor's real estate as referred to in the preceding paragraph six (6), therefore, is \$709,112.90. Subtracting this \$709,112.90 from the real estate's current appraised value of \$594,750.00 leaves a deficiency of \$114,362.90. If the debtor were to surrender his real estate as demanded by the chapter 13 trustee, this \$114,362.90 deficiency would be added to the pool of general unsecured claims to be paid by the debtor in his chapter 13 plan.

Respectfully Submitted,

/s/ Robert M. Whittington, Jr.

Robert M. Whittington, Jr. 0007851
Elk, Elk & Whittington
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Akron, OH 44308
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Respectfully Submitted,

/s/ Keith L. Rucinski, Chapter 13 Trustee
/s/ Joseph A. Ferrise, Staff Attorney

Keith L. Rucinski, Chapter 13 Trustee
Ohio Reg. No. 0063137
Joseph A. Ferrise, Staff Attorney
Ohio Reg. No. 0084477
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jferrise@ch13akron.com

B6I (Official Form 6I) (12/07)In re Thomas Michael StuderCase _____
(if known)

Debtor

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status: Divorced	DEPENDENTS OF DEBTOR AND SPOUSE	
	RELATIONSHIP(S): daughter	AGE(S): 22
Employment:	DEBTOR	SPOUSE
Occupation	Senior auditor	
Name of Employer	Bridgestone	
How long employed	26 years	
Address of Employer	535 Marriott Drive	N.A.
	Nashville, TN 37214	

INCOME: (Estimate of average or projected monthly income at time case filed)

	DEBTOR	SPOUSE
1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly.)	\$ 9,524.00	\$ N.A.
2. Estimated monthly overtime	\$ 0.00	\$ N.A.
3. SUBTOTAL	\$ 9,524.00	\$ N.A.
4. LESS PAYROLL DEDUCTIONS		
a. Payroll taxes and social security	\$ 3,224.00	\$ N.A.
b. Insurance	\$ 554.00	\$ N.A.
c. Union Dues	\$ 0.00	\$ N.A.
d. Other (Specify: _____)	\$ 0.00	\$ N.A.
5. SUBTOTAL OF PAYROLL DEDUCTIONS	\$ 3,778.00	\$ N.A.
6.. TOTAL NET MONTHLY TAKE HOME PAY	\$ 5,746.00	\$ N.A.
7. Regular income from operation of business or profession or farm (Attach detailed statement)	\$ 0.00	\$ N.A.
8. Income from real property	\$ 0.00	\$ N.A.
9. Interest and dividends	\$ 0.00	\$ N.A.
10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above.	\$ 0.00	\$ N.A.
11. Social security or other government assistance (Specify) _____	\$ 0.00	\$ N.A.
12. Pension or retirement income	\$ 0.00	\$ N.A.
13. Other monthly income <u>Prorated income tax refunds</u> (Specify) <u>Fiancee's contribution</u>	\$ 833.00	\$ N.A.
	\$ 850.00	\$ N.A.
14. SUBTOTAL OF LINES 7 THROUGH 13	\$ 1,683.00	\$ N.A.
15. AVERAGE MONTHLY INCOME (Add amounts shown on Lines 6 and 14)	\$ 7,429.00	\$ N.A.
16. COMBINED AVERAGE MONTHLY INCOME (Combine column totals from line 15)	\$ 7,429.00	

(Report also on Summary of Schedules and, if applicable,
on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

The fiancee's contribution is contingent on her finding employment

In re Thomas Michael Studer

Debtor

Case No. _____

(if known)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made biweekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

1. Rent or home mortgage payment (include lot rented for mobile home)	\$ <u>3,399.00</u>
a. Are real estate taxes included? Yes _____ No <u>✓</u>	
b. Is property insurance included? Yes _____ No <u>✓</u>	
2. Utilities: a. Electricity and heating fuel	\$ <u>624.00</u>
b. Water and sewer	\$ <u>0.00</u>
c. Telephone	\$ <u>29.00</u>
d. Other <u>Satellite t.v.</u>	\$ <u>100.00</u>
3. Home maintenance (repairs and upkeep)	\$ <u>0.00</u>
4. Food	\$ <u>450.00</u>
5. Clothing	\$ <u>50.00</u>
6. Laundry and dry cleaning	\$ <u>50.00</u>
7. Medical and dental expenses	\$ <u>50.00</u>
8. Transportation (not including car payments)	\$ <u>85.00</u>
9. Recreation, clubs and entertainment, newspapers, magazines, etc.	\$ <u>150.00</u>
10. Charitable contributions	\$ <u>10.00</u>
11. Insurance (not deducted from wages or included in home mortgage payments)	
a. Homeowner's or renter's	\$ <u>0.00</u>
b. Life	\$ <u>0.00</u>
c. Health	\$ <u>0.00</u>
d. Auto	\$ <u>290.00</u>
e. Other <u>included homeowner's ins.</u>	\$ <u>0.00</u>
12. Taxes (not deducted from wages or included in home mortgage payments)	
(Specify) <u>Real estate taxes</u>	\$ <u>1,000.00</u>
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)	
a. Auto	\$ <u>0.00</u>
b. Other <u>2d mortgage</u>	\$ <u>686.00</u>
c. Other _____	\$ <u>0.00</u>
14. Alimony, maintenance, and support paid to others	\$ <u>0.00</u>
15. Payments for support of additional dependents not living at your home	\$ <u>0.00</u>
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$ <u>0.00</u>
17. Other <u>Cell phone</u>	\$ <u>171.00</u>
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data)	\$ <u>7,144.00</u>
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:	
<u>None</u>	
20. STATEMENT OF MONTHLY NET INCOME	
a. Average monthly income from Line 15 of Schedule I	\$ <u>7,429.00</u>
b. Average monthly expenses from Line 18 above	\$ <u>7,144.00</u>
c. Monthly net income (a. minus b.)	\$ <u>285.00</u>

Print

Pay by Phone

Pay On-Line

John A. Donofrio

Fiscal Officer, County of Summit

Note: This is a live file and is subject to constant change.

IAS4 - INTEGRATED ASSESSMENT SYSTEM REVIEW DOCUMENT
Summit County Auditor Division, OH - Tax Year 2010Reference Year
FEB 24, 2010
10:08 AMPrint**BASIC INFORMATION FOR PARCEL 1507618**

PARCEL	1507618	ALT_ID	CP00026A4006000	NO CARDS	1
OWNER	STUDER THOMAS M & COSGROVE MICHELE M			INFO	
OWNER				---LISTER---	
DESC.	CHERRYWOOD CROSSING LOT 6 ALL			527	19-NOV-09
DESC.					
DESC.					
ADDR.	4679 PAXTON RD , COPLEY 44321-	LUC	510	R - SINGLE FAMILY DWELLING, PLATTED	
SPEC FLAG		CLS		R	
HOMESTEAD		NBR		10300032	
DISTRICT	15 COPLEY TWP-COPLEY/FAIRLAWN CSD	INTER-COUNTY		77-0100	

LAND FOR PARCEL 1507618

CODE	ACRES	CLASS	EXMP	UNIT	INCR/DECR	INFLUENCE	INFLU%	VALUE
01	1		77500	77500	38750/38750			77500
09	.6479		0	15500	15500/15500			10040

ACRE CODE: 01 = HOUSE LOT 09 = BALANCE OF LAND

RESIDENTIAL CARD 1 OF 1 FOR PARCEL 1507618

STYHT	2	HT/AC	CENTRAL AIR CONDITION
CONST	ALUMINUM/VINYL	FUEL	GAS
MSRY TRIM		SYSTEM	FORCED AIR
TYPE	COLONIAL	ATTIC	
YR BUILT	2006	FINBSMT	
EFF YR		REC RM	
YRREMDLD		FRP PREFB	3
TOT RM	9	FRPL OP/ST	
BEDRM	5	BSMT GAR	
FAMLYRM	1	PHYSICAL	98
FULL/BTH	4	FUNC DEP	
HALF/BTH	1	FUNC RSN	
TOT FIXTRS	16	ECON DEP	111
BSMT	FULL	ECON RSN	70
GFLA	902	GRADE	120
SFLA	4576	COND (CDU)	GOOD
		PCT CMPL	(100%)
		DWELLING VAL	507210



DESCRIPTION: COLONIAL ALUMINUM/VINYL 2 STORY WITH 902 SQ FT GROUND FLOOR LIVING AREA AND 4576 TOTAL SQ FT LIVING AREA, BUILT ABOUT 2006. IT HAS 9 TOTAL ROOMS WITH 1 FAMILY ROOM, 5 BEDROOMS, 4 FULL BATHROOMS, 1 HALF BATHROOM, A FULL BASEMENT, HEATING IS CENTRAL AIR CONDITION AND THE OVERALL CONDITION IS GOOD. THE "ADDN MISC FEATURES" VALUE WAS DERIVED FROM THE HT/AC (3010), THE PLUMBING (11000), AND THE FIREPLACE (6100).

**ADDITION CODES:**

LN	LW	IS	2N	3R	AREA	%COMP	VALUE
B	50	10			133		9700
C	50	29			285		25150
D		13	10		405		26440
E		13			539		12740



F	11	18	370
G	50	10	1141
H	50	29	808
			71310

ADDITIONS:

LINE B LOWER LEVEL UNFINISHED BSMT WITH FIRST FLOOR FRAME LIVING AREA
 LINE C LOWER LEVEL UNFINISHED BSMT WITH FIRST FLOOR 1 STY FR OPEN AREA
 LINE D FIRST FLOOR FRAME GARAGE WITH SECOND FLOOR FRAME LIVING AREA
 LINE E FIRST FLOOR FRAME GARAGE
 LINE F FIRST FLOOR OPEN FRAME PORCH
 LINE G LOWER LEVEL UNFINISHED BSMT WITH FIRST FLOOR FRAME LIVING AREA
 LINE H LOWER LEVEL UNFINISHED BSMT WITH FIRST FLOOR 1 STY FR OPEN AREA

SUMMARY ALL CARDS FOR PARCEL 1507618

LAND:	87540	BUILDING:	507210	TOTAL:	594750
ASSESSED LAND:	30640	ASSESSED BLDG:	177520	ASSESSED TOTAL:	208160

SALES INFORMATION FOR PARCEL 1507618

DATE	DOC#	GRANTOR	AMT	SALE	DESC	PARCELS
05-JUN-06	11468	MILLSTONE BUILDING COMPANY LTD	690000	V	VACANT	1
13-OCT-05	23518	CHERRYWOOD CROSSING LLC	87000	V	VACANT	1
24-FEB-04	3230	CHERRYWOOD CROSSING LLC				22

PERMITS

DATE	PERMIT #	AMOUNT	DESCRIPTION	O/C
19-JAN-06	60125	0	FIREPLACE	C
02-JAN-06	52425	625000	NEW HOUSE	C
02-JAN-06	52671	0	AIR	C

NOTES

CA12

AA14

10FC0042
BOR 09-067

FOR CURRENT TAX INFORMATION (TAX YEAR 2009), CLICK HERE.

GENERAL INFORMATION

JOHN A. DONOFRIO
 FISCAL OFFICER, COUNTY OF SUMMIT
 175 SOUTH MAIN ST.
 AKRON, OHIO 44308

PLEASE DIRECT INQUIRIES CONCERNING PROPERTY VALUES TO

(330)-643-2645
 (330)-643-2710
 (330)-643-2661
 (330)-643-2638

SPECIAL ASSESSMENTS
 APPRAISAL INFORMATION
 HOMESTEAD
 GENERAL REAL ESTATE

PLEASE DIRECT INQUIRIES ABOUT YOUR TAX BILL INFORMATION TO

(330)-643-2867
 (330)-643-2600
 (330)-643-2587
 (330)-643-2589

TREASURER DIVISION PRE-PAYMENT PROGRAM
 MONTHLY DELINQUENT CONTRACT PROGRAM
 TAX BILL MAILING INFORMATION
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AFFIDAVIT FOR MECHANIC'S LIEN

STATE OF OHIO, COUNTY OF MEDINA - ss

Kevin Sunde, being first duly sworn, says that he is the President of MGM Landscape Contractors, Inc., whose address is 7291 Stone Road, Medina, OH 44256, which furnished certain material or performed certain labor or work in furtherance of improvements located or removed to the land hereinafter described, pursuant to a certain contract with **Michele Cosgrove of 4676 Paxton Road, Akron, Ohio 44321**. The first and last day which labor, work and materials were performed or delivered, were November 5, 2008 and March 6, 2009, respectively, and there is justly and truly due MGM Landscape Contractors, Inc., from the owner, part owner, lessee, original contractor, or other person, as the case may be, over and above all legal set-offs, the sum of **Twenty Seven Thousand Seven Hundred Forty Six and 90/100 (\$27,746.90)** with interest at the rate of 1.5% per month that the amount remains unpaid, for which amount the said MGM Landscape Contractors, Inc. claims a lien upon said land of which Thomas M. Studer and Michele M. Cosgrove, are or were the owner which premises are described as follows:

Situated in the Township of Copley, County of Summit, State of Ohio: And known as being Lot No. 6 in Cherrywood Crossing as shown on the plat recorded as instrument Number 55013830 of Summit County Records.

Permanent Parcel No. 15-07618 Routing No. CP00026-A4-006.000



Kevin Sunde

Kevin Sunde, President of
MGM Landscape Contractors, Inc.

26th Sworn to and subscribed before me a Notary Public in and for the said County and State, this day of March, 2009

Rachelle Skidmore

Notary Public

My Commission Expires: 9/30/12

ewj
This Instrument Prepared by:
Skidmore & Hall Co., L.P.A.
748 N. Court St.
Medina, OH 44256
(330) 725-5936



RACHELLE SKIDMORE
Notary Public, State of Ohio
My Commission Expires
September 30, 2012



55611683

Pg: 1 of 1
03/27/2009 02:13P
ML 28.00

John A Donofrio, Summit Fiscal Officer